

Assembly Bill No. 917

CHAPTER 501

An act to amend Sections 14299 and 19251 of, and to add Sections 14300 and 19255 to, the Elections Code, relating to elections.

[Approved by Governor October 11, 2007. Filed with
Secretary of State October 11, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 917, Salas. Elections.

(1) Existing law provides that if a precinct board is unable to furnish a ballot to a qualified voter on election day because of an insufficient number of ballots at the precinct, the county elections official is required to deliver additional ballots to the precinct in order to allow voting by 10:00 p.m.

This bill would instead require that additional ballots be delivered within 2 hours. The bill would also require the precinct board to give waiting voters the option of casting their vote immediately using an alternative procedure approved by the Secretary of State and established prior to the election.

(2) Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems.

This bill would, in the case of an election for a state or federal office, require that each polling place using a direct recording electronic voting system also be provided by the county elections official with a supply of paper ballots, which may include provisional ballots, equivalent to specified percentages of the registered voters in the precinct for statewide direct primary and general elections. The county elections official would be required to establish procedures for the use of the paper ballots if the direct recording electronic voting system becomes nonfunctional, and the precinct board would be required to allow a voter to vote by paper ballot rather than the electronic system if the voter so chooses and there are sufficient paper ballots available. The bill would also provide that any vote cast on a provisional ballot subject to these provisions by an otherwise qualified voter shall be counted as a regular ballot and is not subject to the requirements for casting a provisional ballot.

This bill would require the Secretary of State, for each statewide election, to conduct parallel monitoring, as defined, of each direct recording electronic voting system in use on election day, as specified, and to make the results of the parallel monitoring available prior to the certification of the election.

(3) By increasing the duties of county elections officials, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that, while new voting technologies hold great promise, changes in the law are necessary to ensure elections remain secure, accurate, and reliable.

SEC. 2. Section 14299 of the Elections Code is amended to read:

14299. (a) If a precinct board is unable to furnish a ballot to a qualified voter because there is an insufficient number of ballots at the precinct, the elections official shall deliver to the precinct additional ballots to ensure that all eligible voters can cast their ballots within two hours.

(b) While awaiting the delivery of additional ballots, the precinct board shall provide each voter with the option of casting his or her vote immediately using an alternative procedure established prior to the election or waiting for the delivery of the additional ballots.

(c) The alternative procedure required by this section shall be subject to approval by the Secretary of State. The elections official shall submit the alternative procedure to the Secretary of State for approval by a date to be determined by the Secretary of State.

SEC. 3. Section 14300 is added to the Elections Code, to read:

14300. (a) In the case of an election for a state or federal office, each polling place using a direct recording electronic voting system, as defined by Section 19251, the elections official shall provide paper ballots equivalent to the following percentages:

(1) For a statewide general election, no less than 10 percent of the registered voters in the polling place.

(2) For a statewide direct primary election, for each partisan ballot form for which at least 10 percent of the registered voters in the polling place are eligible to request, no less than 5 percent of the registered voters in the precinct eligible to request that ballot form at the polling place. For nonpartisan voters, the total number of paper ballots among all ballot forms that they are eligible to request shall be no less than 5 percent of registered nonpartisan voters at the polling place.

(3) For any other state or federal election contest, no less than 5 percent of registered voters at the polling place.

(4) For purposes of this section, the number of registered voters shall be based on the registration on the 88th day prior to the day of the election.

(b) The elections official shall establish procedures for the use of the paper ballots described in this section in the event the direct recording electronic voting system becomes nonfunctional.

(c) Upon request, the precinct board shall provide a paper ballot to a voter, regardless of the availability of the direct recording electronic voting system, as long as supplies remain available.

(d) The paper ballots described in this section may consist of provisional ballots.

(e) Any vote cast on a provisional ballot subject to this section by an otherwise qualified voter shall be counted as a regular ballot and shall not be subject to the requirements of Section 14310.

SEC. 4. Section 19251 of the Elections Code is amended to read:

19251. For purposes of this article, the following terms shall have the following meanings:

(a) “Accessible” means that the information provided on the paper record copy from the voter verified paper audit trail mechanism is provided or conveyed to voters via both a visual and a nonvisual method, such as through an audio component.

(b) “Direct recording electronic voting system” means a voting system that records a vote electronically and does not require or permit the voter to record his or her vote directly onto a tangible ballot.

(c) “Voter verified paper audit trail” means a component of a direct recording electronic voting system that prints a contemporaneous paper record copy of each electronic ballot and allows each voter to confirm his or her selections before the voter casts his or her ballot.

(d) “Federal qualification” means the system has been certified, if applicable, by means of qualification testing by a Nationally Recognized Test Laboratory and has met or exceeded the minimum requirements set forth in the Performance and Text Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems, or in any successor voluntary standard document, developed and promulgated by the Federal Election Commission, the Election Assistance Commission, or the National Institute of Standards and Technology.

(e) “Paper record copy” means an auditable document printed by a voter verified paper audit trail component that corresponds to the voter’s electronic vote and lists the contests on the ballot and the voter’s selections for those contests. A paper record copy is not a ballot.

(f) “Parallel monitoring” means the testing of a randomly selected sampling of voting equipment on election day designed to simulate actual election conditions to confirm that the system is registering votes accurately.

SEC. 5. Section 19255 is added to the Elections Code, to read:

19255. (a) For each statewide election, the Secretary of State shall conduct parallel monitoring of each direct recording electronic voting system on which ballots will be cast. This section shall only apply to precincts that have more than one direct recording electronic voting system.

(b) The results of the parallel monitoring shall be made available prior to the certification of the election.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.